

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

In re:

CV 21–121–M–DWM

PAMELA J. STOKES,

Debtor.

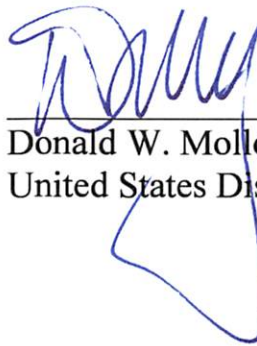
ORDER

On October 14, 2021, this appeal was transferred to this Court from the United States Bankruptcy Appellate Panel for the Ninth Circuit. (Doc. 1.) On September 28, 2021, United States Bankruptcy Judge Whitman L. Holt dismissed the debtor’s chapter 13 bankruptcy petition and barred her from refiling any further bankruptcy petitions until September 29, 2023. (*See* Doc. 1-1 at 5–11; *see also* Bankr. Case No. 9:21-bk-90126-WLH, Doc. 64.) The debtor, Pamela J. Stokes, appeals that decision on the grounds that the “bankruptcy court erred when it overturned and ignored a 11 USC 363 (f) sale free and clear of liens and refused to enforce a confirmed plan.” (Doc. 1-1 at 3.) However, Stokes failed to designate the record on appeal despite being given additional time to do so. (*See* Doc. 5); *see also* Fed. R. Bankr. P. 8009. Summary dismissal of an appeal for non-compliance with a procedural rule is considered a serious sanction, and the Court “should first consider whether informed review is possible in light of what record has been provided.” *See In re Beachport Ent.*, 396 F.3d 1083, 1087 (9th Cir. 2005) (internal

quotation marks omitted); *see also In re Morrissey*, 349 F.3d 1187, 1188–89 (9th Cir. 2003). Stokes shall therefore be given the opportunity to brief her appeal on the limited record currently before the Court. Her failure to do so, however, will result in the dismissal of this appeal for failure to prosecute.

Accordingly, IT IS ORDERED that Stokes shall file an appellant brief that complies with Bankruptcy Rule 8014 on or before January 3, 2022. If such a brief is filed, the Trustee's response brief shall be due on or before February 3, 2022, and Stokes's reply due on or before February 17, 2022. **The failure to file an appellant brief in compliance with the Bankruptcy Rules will result in the summary dismissal of this appeal for failure to prosecute.**

DATED this 2nd day of December, 2021.



Donald W. Molloy, District Judge
United States District Court